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9       Attorneys for Defendants and Claimant  
 10      BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and  
 11      Claimant, F/V POINT LOMA Fishing Company, Inc.

## UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

12       DEL MAR SEAFOODS, INC.,	)	
13                                  Plaintiff,	)	No. C-07-2952-WHA
14                                  v.	)	<b>DECLARATION OF MARTIN L.</b>
15       BARRY COHEN, CHRIS COHEN (aka	)	<b>FINEMAN IN SUPPORT OF</b>
16       CHRISTENE COHEN), <i>in personam</i> and,	)	<b>DEFENDANTS' APPLICATION FOR</b>
17       F/V POINT LOMA, Official Number	)	<b>REASONABLE ATTORNEYS FEES</b>
18       515298, a 1968 steel-hulled, 126-gross ton,	)	<b>AND COSTS</b>
19       70.8 foot long fishing vessel, her engines,	)	
20       tackle, furniture apparel, etc., <i>in rem</i> , and	)	
21       Does 1-10,	)	
22                                  Defendants.	)	

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I, Martin L. Fineman, declare as follows:

1. I am a member in the law firm of Davis Wright Tremaine LLP and our firm serves as counsel to Defendants in this lawsuit. I make this declaration in support of Defendants' Application for Attorney's Fees and Costs. The facts set forth in this declaration are personally known to me to be true and correct and, if called and sworn as a witness, I would and would testify to the following:

2. I am an attorney at law and have practiced civil litigation in San Francisco,

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1 California for more than 23 years. I was a judicial law clerk to the Honorable Robert Boochever  
2 of the Ninth Circuit Court of Appeals for one year prior to that. I am a member of the law firm of  
3 Davis Wright Tremaine LLP and practice in the San Francisco, California office.

4       3. Since December 1999, I have served as Partner-in-Charge of the San Francisco  
5 office of Davis Wright Tremaine LLP. I have also served as Co-Chair of the entire firm's  
6 Commercial Litigation Department. In these roles, one of my responsibilities is to help establish  
7 billing rates for the attorneys in the San Francisco office of Davis Wright Tremaine LLP. In  
8 order to do so effectively, I must and do monitor and stay aware of billing rates charged in the  
9 San Francisco market. I am aware of billing rates charged in the San Francisco market through a  
10 variety of means, including court filings, information in the press, anecdotal information, and  
11 surveys.

12       4. Davis Wright Tremaine LLP is a large, general practice law firm with more than  
13 400 attorneys in eight offices in the United States and one in Shanghai, China. Davis Wright  
14 Tremaine LLP is one of the so-called AmLaw 200 law firms. The San Francisco office includes  
15 approximately 40 attorneys.

16       5. James P. Walsh is a litigation partner in the San Francisco office of Davis Wright  
17 Tremaine LLP. I am familiar with his work and his reputation. Mr. Walsh is a skilled litigation  
18 attorney, with special expertise in admiralty and maritime law.

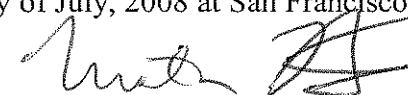
19       6. Mr. Walsh's hourly rate for each of the years of this litigation is as follows: 2007  
20 (\$490) and 2008 (\$520). It is my opinion that these rates, in each of the years, were below  
21 market rates prevailing in San Francisco for someone of Mr. Walsh's tenure and experience as a  
22 litigation partner in a large law firm. Accordingly, it is my opinion that Mr. Walsh's rate is not  
23 only reasonable in comparison to the market for legal services in San Francisco, it is somewhat  
24 low in comparison to a lawyer in San Francisco with Mr. Walsh's tenure and experience.

25       7. Gwen Fanger is a litigation associate in the San Francisco office of Davis Wright  
26 Tremaine, LLP. She has been an associate with Davis Wright Tremaine LLP since October 2006.  
27 Prior to joining the firm, she was a staff attorney with the Federal Trade Commission office in  
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1 San Francisco for nearly eight years. I am familiar with her work at the firm.

2 8. Ms. Fanger's hourly rate for each of the years in this litigation is as follows: 2007  
3 (\$275) and 2008 (\$350). It is my understanding and opinion that these rates, in each of these  
4 years, were below market rates prevailing in San Francisco for someone of Ms. Fanger's years  
5 and level of experience as an associate in a large law firm. Accordingly, it is my opinion that Ms.  
6 Fanger's rate is not only reasonable in comparison to the market for legal services in San  
7 Francisco, it is somewhat low in comparison to a lawyer in San Francisco with Ms. Fanger's  
8 tenure and experience.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct. Executed this 10<sup>th</sup> day of July, 2008 at San Francisco, California.



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12 Martin L. Fineman  
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